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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,100	12/22/2000	David L. Funston	82036RLW	4338

7590

05/07/2004

Patent Legal Staff
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EXAMINER

ROSENDALE, MATTHEW L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,100

Applicant(s)

FUNSTON ET AL.

Examiner

Matthew L Rosendale

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,6,9-11,14,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,12,13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.5.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4, 5, 7, 8, 12, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Takagi.

Referring to claim 1, Inoue discloses in figure 1, a camera usable for capturing images of scenes illuminated by ambient light comprising a body (not illustrated), an electronic imager 15 disposed in the body for capturing ambient light as an electronic image, and a user interface disposed on the outside of the body shown in figure 7 for showing the electronic image. Inoue however, does not disclose a color detector for measuring the ambient light to provide a color value and displaying an indication of the color value being independent of the electronic image.

However, Takagi discloses that it is well known to use the CCD image sensor provided in a film camera such as the hybrid camera disclosed by Inoue as a color detector. As shown by Takagi, the CCD sensor shown in figures 5 and 6 is used to measure ambient light to provide a color temperature value to be displayed on a user interface located on the camera body shown in figure 14. The displayed color temperature is provided so that the user can make the proper adjustments to the camera to capture a high quality film image (Col. 1, Lines 37 – 61 and Col. 5, Lines 57 – 62).

Therefore it would have been obvious to provide the color detector and color temperature display of Takagi with the hybrid camera of Inoue so that the user can properly adjust the camera parameters based on the color temperature of the image so as to capture a high quality film image.

2. Referring to claim 2, The combination of Inoue and Takagi provides a user interface including an image display shown in figure 7 of Inoue mounted to the body of the camera where the image display shows an electronic image, and an indication display shown in figure 14 of Takagi mounted on the camera body where the indication display shows an indication of the detected color temperature (Col. 5, Lines 57 – 62).

3. Referring to claim 4, The image display of Inoue also comprises a second area in the lower part of the screen in figure 7 used for displaying image attribute and print data to the user. Takagi discloses an indication display in figure 14 that provides text data to the user.

Therefore it would have been obvious to provide the color indication data of Takagi in the second part of the display means of Inoue so that the user interface can be one continuous pixilated panel eliminating the need for two separate displays making the overall design of the camera smaller and more cost effective.

4. Referring to claim 5, The image display of Inoue can provide data to the user in addition to image data by displaying text below the image shown in figure 7 and photomontaging the data such as the “print range” into the electronic image on the display.

Therefore it would have been obvious to display the color temperature indication data of Takagi using the photomontaging method of Inoue so that the image display can be made smaller by not providing a separate area for the indication of Takagi to be displayed thereby making the overall design of the camera smaller and more cost effective using a smaller less expensive LCD.

5. Referring to claim 7, The image display of Inoue can provide data to the user in addition to image data by displaying text below the image shown in figure 7 and modifying the image data by photomontaging the data such as the "print range" into the electronic image on the display.

Therefore it would have been obvious to display the color temperature indication data of Takagi using the photomontaging method of Inoue so that the image display can be made smaller by not providing a separate area for the indication of Takagi to be displayed thereby making the overall design of the camera smaller and more cost effective using a smaller less expensive LCD.

6. Referring to claim 8, Inoue discloses a camera in figure 1 usable for capturing images of scenes illuminated by ambient light comprising a body (not illustrated), an electronic imager 15 disposes in the body for capturing ambient light as an electronic image, and a user interface disposes on the outside of the body shown in figure 7 for showing the electronic image. Inoue however, does not disclose a color detector for measuring the ambient light to provide a color value and displaying an indication of the color value being independent of the electronic image.

However, Takagi discloses that it is well known to use the CCD image sensor provided in a film camera such as the hybrid camera disclosed by Inoue as a color detector. As shown by

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Takagi, the CCD sensor shown in figures 5 and 6 is used to measure ambient light to provide a color temperature value to be displayed on a user interface located on the camera body shown in figure 14. The displayed color temperature is provided so that the user can make the proper adjustments to the camera to capture a high quality film image (Col. 1, Lines 37 – 61 and Col. 5, Lines 57 – 62).

Therefore it would have been obvious to provide the color detector and color temperature display of Takagi with the hybrid camera of Inoue so that the user can properly adjust the camera parameters based on the color temperature of the image so as to capture a high quality film image.

The combination of Inoue and Takagi provides a user interface including an image display shown in figure 7 of Inoue mounted to the body of the camera where the image display shows an electronic image, and an indication display shown in figure 14 of Takagi mounted on the camera body where the indication display shows an indication of the detected color temperature.

7. Referring to claim 12, Inoue discloses an image capture method using the camera of figure 1 using an electronic imager 15 for capturing ambient light as an electronic image, and a user interface disposed on the outside of the body shown in figure 7 for showing the electronic image. Inoue however, does not disclose a step of measuring the ambient light to provide a color value and displaying an indication of the color value being independent of the color balance of the electronic image.

However, Takagi discloses that it is well known to use the CCD image sensor provided in a film camera such as the hybrid camera disclosed by Inoue as a color detector. As shown by Takagi, the CCD sensor shown in figures 5 and 6 is used to measure ambient light to provide a color temperature value to be displayed on a user interface located on the camera body shown in figure 14. The displayed color temperature is provided so that the user can make the proper adjustments to the camera to capture a high quality film image (Col. 1, Lines 37 – 61 and Col. 5, Lines 57 – 62).

Therefore it would have been obvious to provide the color detector and color temperature display of Takagi with the hybrid camera of Inoue so that the user can properly adjust the camera parameters based on the color temperature of the image so as to capture a high quality film image.

8. Referring to claim 13, The image display of Inoue also comprises a second area in the lower part of the screen in figure 7 used for displaying image attribute and print data to the user. Takagi discloses an indication display in figure 14 that provides text data to the user.

Therefore it would have been obvious to provide the color indication data of Takagi in the second part of the display means of Inoue so that the user interface can be one continuous pixilated panel eliminating with the image data and color temperature data being displayed separately so the user can see the color data and an unobstructed view of the image.

9. Referring to claim 15, the image display of Inoue can provide data to the user in addition to image data by displaying text below the image shown in figure 7 and modifying the image

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data by photomontaging the data such as the “print range” into the electronic image on the display.

Therefore it would have been obvious to display the color temperature indication data of Takagi using the photomontaging method of Inoue so that the image display can be made smaller by not providing a separate area for the indication of Takagi to be displayed thereby making the overall design of the camera smaller and more cost effective using a smaller less expensive LCD.

10. Referring to claim 16, the image display of Inoue can provide data to the user in addition to image data by displaying text below the image shown in figure 7 and modifying the image data by photomontaging the data such as the “print range” prior to display into the electronic image on the display.

Therefore it would have been obvious to display the color temperature indication data of Takagi using the photomontaging method of Inoue so that the image display can be made smaller by not providing a separate area for the indication of Takagi to be displayed thereby making the overall design of the camera smaller and more cost effective using a smaller less expensive LCD.

11. Referring to claim 18, Inoue discloses an image capture method using the camera of figure 1 using an electronic imager 15 for capturing ambient light as an electronic image, and a user interface disposes on the outside of the body shown in figure 7 for showing the electronic image. Inoue however, does not disclose a step of measuring the ambient light to provide a color value and displaying an indication of the color value being independent of the color balance of the electronic image.

However, Takagi discloses that it is well known to use the CCD image sensor provided in a film camera such as the hybrid camera disclosed by Inoue as a color detector. As shown by Takagi, the CCD sensor shown in figures 5 and 6 is used to measure ambient light to provide a color temperature value to be displayed on a user interface located on the camera body shown in figure 14. The displayed color temperature is provided so that the user can make the proper adjustments to the camera to capture a high quality film image (Col. 1, Lines 37 – 61 and Col. 5, Lines 57 – 62).

Therefore it would have been obvious to provide the color detector and color temperature display of Takagi with the hybrid camera of Inoue so that the user can properly adjust the camera parameters based on the color temperature of the image so as to capture a high quality film image.

Allowable Subject Matter

Claims 3, 6, 9 – 11, 14, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 3, 9, 14, and 19, the prior art fails to teach or suggest wherein the indication display emits light at a wavelength corresponding to the color value provided by the color detector.

Referring to claims 6, 11, and 20, the prior art fails to teach or suggest altering the color value in accordance with the respective photo-finishing adjustment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Figure 3 of Kutaragi shows a color sensor 25 – 28 that detects the nature of the ambient light source. The color value output from the color sensor 25 – 28 is compared to a look-up table in the controller 22 to determine the proper photo-finishing adjustment corresponding to the detected nature of the light source and the controller outputs a set of RGB gain control values with respect to the corresponding photo-finishing adjustment (Col. 4, Line 16 – Col. 5, Line 47). The flow chart explaining the comparator function and look-up table is disclosed in figure 5B. However, Kutaragi does not alter the color value, it is only used to determine what photo-finishing adjustment is to be used.

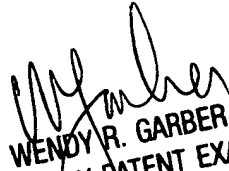
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L Rosendale whose telephone number is (703) 305-4909. The examiner can normally be reached on Monday - Friday 8: 00am-4: 00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLR


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